

Notice of Allowability

Application No.

10/737,307

Examiner

Jenna-Leigh Befumo

Applicant(s)

HOYING ET AL.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on August 31, 2006.
2. ☒ The allowed claim(s) is/are 1,4,6-12 and 14-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Roddy M. Bullock on September 18, 2006.

The application has been amended as follows:

In claim 12; After line 9, delete lines 10 – 15 and insert:

--c. wherein said relatively hydrophilic web comprises a spunbond nonwoven web;

d. wherein the first side of the topsheet comprises a plurality of discrete tufts comprising fibers from said spunbond nonwoven web, a plurality of said fibers of said tufts being looped fibers such that said looped fibers begin and end at said relatively hydrophilic nonwoven web; and --

In claim 19, After line 6, delete lines 7 – 12 and insert:

--b. said relatively hydrophilic carded nonwoven web comprises tufts, said tufts comprising looped fibers such that said looped fibers begin and end at said relatively hydrophilic carded nonwoven web;

c. said tufts of said relatively hydrophilic carded nonwoven web extending through said first relatively hydrophobic web, thereby being disposed on both sides of said topsheet; and --

Art Unit: 1771

2. The following is an examiner's statement of reasons for allowance:

3. The amendment filed on August 31, 2006 has been entered. Claims 2, 3, 5, 13, and 26 – 30 have been cancelled. Claims 1, 12, 14, 15, 19, 21, and 22 have been amended. The pending claims are 1, 4, 6 – 12, and 14 – 25.

4. The cancellation of claims 26 – 30 renders the rejections to those claims set forth in the previous Office Action moot.

5. The 35 USC 102/103 and 35 USC 103 rejection based on Takai et al. (6,479,130) are withdrawn since Takai et al. does not teach having a plurality of tufts formed by fibers which are looped fibers that extend from the hydrophilic nonwoven web. While Takai et al. does teach that fibers can extend up into the slit regions from the surface of the nonwoven (column 5, lines 1 – 6), the fibers are not grouped together to form a plurality of discrete tufts as recited in the claim. Further, these fibers do not form the first side of the topsheet because the film layer is above them.

6. The prior art fails to teach or fairly suggest a an absorbent article with a backsheet, topsheet, and absorbent core between, wherein the topsheet is formed from two layers with the bottom layer extending through the top layer, forming a plurality of discrete tufts made from looped fibers, so that the material in the bottom layer is on both sides of the topsheet, and wherein the bottom layer is made from a relatively hydrophilic material and the top layer is made from a relatively hydrophobic material.

7. The prior art discloses similar structures such as Mende (5,180,620) which discloses a first layer extending through a second layer, however, the projection formed by the first layer does not comprise loop fibers that extend through the first layer so that material from the first

Art Unit: 1771

layer is disposed on both sides of the second layer. Further, Dostal (3,695,270) discloses cellulosic yarns tufted through a cellulosic layer to produce an absorbent product. However, Dostal specifically wants both layers to be made from absorbent, hydrophilic materials, and thus it would not have been obvious to use a hydrophobic layer in the composite. Thus, the claims are allowable.

8. Claims 1, 4, 6 – 12, and 14 – 25 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

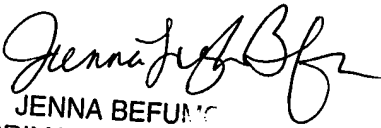
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1771

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLB
September 19, 2006


JENNA BEFUM
PRIMARY EXAMINER